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Order Filed on December 20, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Counsel to the Debtor and Debtor in Possession

In Re:

ASSUNCAO BROS., INC.,

Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159-CMG

Judge: Hon. Christine M. Gravelle

**CONSENT ORDER GRANTING LIMITED RELIEF FROM AUTOMATIC STAY FOR
THERESA KRAEMER**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

DATED: December 20, 2022

**Honorable Christine M. Gravelle
United States Bankruptcy Judge**

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Debtors: Assuncao Bros., Inc.

Case No. 22-16159-CMG

Caption: Consent Order Granting Limited Relief from Automatic Stay for Theresa Kraemer

THIS MATTER having been brought before the Court upon the motion of Theresa Kraemer for relief from the automatic stay in order to resume pending litigation in the Superior Court of New Jersey, Law Division, Essex County, docket number ESX-L-2912-20 (the “Action”) against Assuncao Bros., Inc. (the “Debtor”), the debtor and debtor-in-possession in the above-captioned chapter 11, subchapter v case; and Theresa Kraemer and the Debtor having entered into the within Consent Order granting Theresa Kraemer limited relief from the automatic stay to resume the Action, as evidenced by the subscribed consents of counsel hereto; and the Court having jurisdiction over the matter pursuant to 28 U.S.C. §§157(b) and 1334(b); and the Court having found sufficient cause for entry of this Consent Order, it is hereby

ORDERED that the automatic stay pursuant to 11 U.S.C. § 362(a) is hereby modified to permit Theresa Kraemer to proceed with the Action subject to the terms of this Consent Order; and it is further

ORDERED, the Debtor shall only be required to defend the Action or any other action or proceeding commenced by Theresa Kraemer related to the claims underlying the Action to the extent required under any applicable liability insurance policy, and Theresa Kraemer shall seek recovery in the Action and from any claims related to the Action solely against non-debtor defendants and the proceeds of any insurance coverage applicable to the Debtor and not against the Debtor’s bankruptcy estate; and it is further

ORDERED, that the Debtor and the Debtor’s estate shall have no corporate or personal liability as a result of any judgment that may be entered in Theresa Kraemer’s favor, and Theresa Kraemer waives all claims that she might hold against the Debtor’s estate, including the right to receive any distribution from the Debtor’s estate, and any recovery by Theresa Kraemer shall be

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Debtors: Assuncao Bros., Inc.

Case No. 22-16159-CMG

Caption: Consent Order Granting Limited Relief from Automatic Stay for Theresa Kraemer

limited to amounts recovered from the Debtor's applicable liability insurance limits and any amounts recovered from non-debtor third parties; and it is further

ORDERED that any proof of claim filed by Theresa Kraemer is hereby withdrawn; and it is further

ORDERED, that the entry of this Order shall not be deemed to be a waiver of (a) the Debtor's right to contest any claims asserted against the Debtor's estate in any action arising from any findings, legal conclusions or decisions rendered in the Action or any related proceeding, or (b) the Debtor's right to assert any affirmative claims that the Debtor's estate may hold against any party to the Action or any related proceeding; and it is further

ORDERED, that this Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

[Signature page to follow]

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Debtors: Assuncao Bros., Inc.

Case No. 22-16159-CMG

Caption: Consent Order Granting Limited Relief from Automatic Stay for Theresa Kraemer

The undersigned hereby consent to the substance
and entry of this Consent Order.

FOX ROTHSCHILD, LLP
Attorneys for Debtor

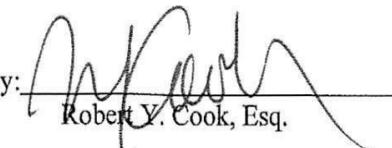
By:


Michael R. Herz, Esq.

Dated: 12/12/22

LEVINSON AXELROD, P.A.
Attorneys for Theresa Kraemer

By:


Robert Y. Cook, Esq.

Dated: 12/12/22

In re:
Assuncao Bros., Inc.
Debtor

Case No. 22-16159-CMG
Chapter 11

District/off: 0312-3
Date Rcvd: Dec 20, 2022

User: admin
Form ID: pdf903

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Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol **Definition**

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2022:

| Recip ID | Recipient Name and Address |
|-----------------|---|
| db | + Assuncao Bros., Inc., 29 Wood Avenue, Edison, NJ 08820-3503 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 22, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 20, 2022 at the address(es) listed below:

| Name | Email Address |
|--------------------|--|
| Allen J Barkin | on behalf of Creditor Nobel Equipment & Supplies Inc. abarkin@sbmesq.com, sandyr@sbmesq.com |
| Charles Allen Yuen | on behalf of Creditor Wiggins Plastics Inc. cyuen@cyuen-law.com |
| Charles Allen Yuen | on behalf of Creditor Knickerbocker Bed Company cyuen@cyuen-law.com |
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District/off: 0312-3

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Total Noticed: 1

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Seth Ptasiewicz

District/off: 0312-3

User: admin

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Date Rcvd: Dec 20, 2022

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Total Noticed: 1

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TOTAL: 37